

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF MARYLAND

at Baltimore

IN RE: Lesley Keeney

Case No. 19-10204

Debtor.

Chapter 13

CHAPTER 13 PLAN

☐ Original Plan ☒ Amended Plan ☐ Modified Plan

1. GENERAL PLAN PROVISIONS.

The Debtor proposes the following Chapter 13 Plan and makes the following declarations (mark one of the following boxes that apply for each of 1.1, 1.2, and 1.3. below). ***If a box is marked as "does not . . ." or if more than one box is marked in each section, the provision will be ineffective if set out later in the plan.***

1.1 Declaration as to Nonstandard Provisions.

This Plan: ☐ does not contain nonstandard provisions.
OR ☒ contains nonstandard provisions set out in Section 9 below.

1.2 Declaration as to Limiting Secured Claims.

This Plan: ☒ does not limit the amount of a secured claim.
OR
☐ limits the amount of a secured claim based on the value of the collateral securing the claim as set out in Sections 5.1 through 5.4 below

1.3 Declaration as to Avoiding Security Interests

This Plan: ☒ does not avoid a security interest or lien.
OR ☐ avoids a security interest or lien as set out in Section 5.1 through 5.4 below.

2. NOTICES.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

2.1 Notices to Creditors.

Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. ***The declarations set out in Section 1 above may be of particular importance.***

If you oppose the Plan's treatment of your claim or any provision of this Plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Court may confirm this Plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under the Plan.

2.2. Notices to Debtors.

This form lists options that may be appropriate in some cases, but not all cases. Just because an option is listed on the form does not mean that it is appropriate for you. Plans contrary to the local rules and Court rulings may not be confirmed.

3. PLAN TERMS.

The Debtor's future earnings are submitted to the supervision and control of the Trustee, and the Debtor will pay as follows (mark and complete one of 3.1, 3.2, or 3.3 and/or 3.4 below; and, optionally, 3.5 as applicable):

☐ **3.1. Even Monthly Payments.**

\$ per month for a term of months.

OR

☒ **3.2. Varying Monthly Payments.**

\$31,900.99 months 1-20 (LUMP SUM)

\$2,125.00 months 21-30

\$8,750.00 months 31-60

for a total term of 60 months.

OR

☐ 3.3. Varying Monthly Payments Before and After Confirmation.

\$ ____ per month before confirmation of this Plan (use Section 4.6.1 below to list the adequate protection payments to be made before confirmation), and \$ ____ per month after confirmation of this plan, for a total term of months.

AND/OR

☐ 3.4. Additional Payments.

In addition to monthly Plan payments under 3.1, 3.2, or 3.3, above, the Debtor will make the payments listed below:

| <u>Amount</u> | <u>Date</u> | <u>Source of Payment</u> |
|---------------|-------------|--------------------------|
|---------------|-------------|--------------------------|

☐ 3.5. Additional Payments of Tax Refunds.

The Debtor will provide the Trustee with copies of state and federal tax returns for the years listed below within 15 days of filing the returns (and must timely file the returns on or before April 15 of each year).

4. DISTRIBUTION OF PLAN PAYMENTS.

From the payments made, the Trustee will make distributions in the order listed below:

4.1 Trustee's Commission.

The Trustee will receive the allowed Trustee commission under 11 U.S.C. § 1326(b)(2).

4.2 Administrative Claims.

Next to be paid, except as provided in Section 4.3 below, are administrative claims under 11 U.S.C. § 507(a)(2), including Debtor's Counsel fee balance of (Per Fee Application) due and payable pursuant to a fee arrangement made under Subparagraphs 4.A, B, or C of Appendix F to the Local Bankruptcy Rules. Counsel estimates his pre-confirmation to be \$5,500.00.

4.3 Domestic Support Obligations and Non-Appendix F Attorney Fees.

Next to be paid, at the same time and pro rata, are allowed unsecured claims for: (i) domestic support obligations under 11 U.S.C. § 507(a)(1); and (ii) any Debtor's Counsel fee allowed under 11 U.S.C. § 507(a)(2) by Bankruptcy Court order following an application pursuant to a fee arrangement under Section 7 of Appendix F to the Local Bankruptcy Rules. Debtor's Counsel fee balance to be paid through the Plan is expected to be in the amount of \$5,500.00.

4.4 Former Chapter 7 Trustee Claims.

Next to be paid are any claims payable to the former Chapter 7 Trustee under 11 U.S.C.

§ 1326(b)(3). List the monthly payment: \$ ____.

4.5 Priority Claims.

Next to be paid are other priority claims defined by 11 U.S.C. § 507(a)(3) - (10). List the expected claims below:

| <u>Priority Creditor</u> | <u>Expected Claim Amount</u> |
|--------------------------|------------------------------|
| Comptroller of Maryland | \$3,505.00 |
| Internal Revenue Service | \$2,503.20 |

4.6 Secured Claims.

Next to be paid, at the same time and pro rata with payments on priority claims under Section 4.5 above, are secured claims as set forth below. The holder of an allowed secured claim retains its lien under 11 U.S.C. § 1325(a)(5)(B)(i). Any allowed secured claim listed in the Plan to be paid by the Trustee will be deemed provided for under the Plan. Any allowed secured claim not listed in the Plan to be paid by the Trustee, or not stated to be paid outside of or otherwise addressed in the Plan, will be deemed not provided for under the Plan and will not be discharged.

4.6.1 Adequate Protection Payments for Claims Secured by or Subject to a Lease of Personal Property.

Beginning not later than 30 days after the petition date and until the Plan is confirmed, the Debtor will directly pay adequate protection payments for claims secured by or subject to a lease of personal property for: *None* ☒ or the *Claims Listed Below* ☐ (mark one box only). After confirmation of the Plan, the claims will be paid under Section 4.6.3. Make sure to list the amount of the monthly payment the Debtor will pay before confirmation, and list the last 4 digits only of the account number, if any, the lienholder uses to identify the claim:

| | | | |
|----------------------------|------------------------------|----------------------------------|------------------------|
| <u>Lessor / Lienholder</u> | <u>Property / Collateral</u> | <u>Acct. No.(last 4 numbers)</u> | <u>Monthly Payment</u> |
|----------------------------|------------------------------|----------------------------------|------------------------|

4.6.2 Pre-petition Arrears on Secured Claims.

Pre-petition arrears on secured claims will be paid through the Plan in equal monthly amounts while the Debtor directly pays post-petition payments beginning with the first payment due after filing the petition for:

☐ None or ☒ the *Claims Listed Below* (mark one box only). The claims listed below include: ☐ *Claims Secured by the Debtor's Principal Residence* ☒ and/or *Other Property*.

| | | | | |
|-------------------|--------------------|----------------|------------------------|----------------------|
| <u>Lienholder</u> | <u>Collateral</u> | <u>Arrears</u> | <u>Monthly Payment</u> | <u>No. of Months</u> |
| Selene Finance LP | 8939 Hawbottom Rd. | \$273,135.94* | | |

(Trustee to determine equal monthly payment(s). The Debtor reserves all rights to dispute Selene's proof of claim. The Debtor and Selene are engaged in loss mitigation and the Debtor is attempting to resolve the arrears in a loan modification. The Debtor disputes the arrearage claim asserted by Selene Finance. The Debtor and Selene are attempting to resolve the arrearage claim through loss mitigation. The Debtor will file an objection to Selene Finance's proof of claim on or before December 31, 2020 if loss mitigation is not fruitful.)

4.6.3 Secured Claims Paid Through the Plan.

The following secured claims will be paid through the Plan in equal monthly amounts for:

☒ None.

4.6.4 Surrender Collateral to the Lienholder.

The Debtor will surrender collateral to the lienholder for:

☒ None.

4.6.5 Secured Claims Outside of the Plan.

The Debtor will directly pay the secured claims outside of the Plan for:

☐ None or ☒ the *Claims Listed Below* (mark one box only). Such claims are deemed provided for under the Plan. The Debtor will also directly pay outside of the Plan the unsecured portion of a claim that is only partially secured, and any such unsecured claim is deemed provided for under the Plan:

| | |
|--------------------------|--|
| <u>Lienholder</u> | <u>Collateral to be Paid for Outside of the Plan</u> |
| Charlie Pentz Auto Sales | Chevy |

4.6.6 Secured Claims Not Listed in the Plan.

The Debtor will directly pay any allowed secured claim not listed in the Plan outside of the Plan. Any such claim will not be discharged.

4.6.7 Additional Payments on Secured Claims.

If the Trustee is holding more funds than those needed to make the payments under the Plan for any month, the Trustee may pay amounts larger than those listed in Sections 4.6.2 and 4.6.3 pro rata.

4.7 Unsecured Claims.

After payment of all other claims, the remaining funds will be paid on allowed general unsecured claims as follows (mark one box only):

☒ Pro Rata ☐ 100% ☐ 100% Plus ___ % Interest.

If there is more than one class of unsecured claims, list each class and how it is to be treated:

| | |
|-------------------------------------|------------------|
| <u>Class of Unsecured Creditors</u> | <u>Treatment</u> |
|-------------------------------------|------------------|

-NONE-

5. THE AMOUNT AND VALUATION OF CLAIMS.

Secured creditors holding claims treated under Section 5 retain their liens until the earlier of: the payment of the underlying debt determined under nonbankruptcy law; or discharge under 11 U.S.C. § 1328; or, if the Debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), the notice of Plan completion. If the case is dismissed or converted without completion of the Plan, liens shall also be retained by the holders to the extent recognized under applicable nonbankruptcy law.

5.1 Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 Through the Plan.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 through the Plan for:

☒ None.

5.2 Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 506 by Separate Motion or an Adversary Proceeding.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 506 by separate motion or an adversary proceeding for:

☐ None or ☒ the *Claims Listed Below* mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the value of the collateral proposed to be paid through the plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

Lienholder

Collateral

5.3 Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)* Through the Plan.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)* through the Plan for:

☒ None.

5.4 Valuing a Claim or Avoiding a Lien Under 11 U.S.C. § 522(f)* by Separate Motion or an Adversary Proceeding.

The Debtor seeks to value a claim or avoid a lien under 11 U.S.C. § 522(f)* by separate motion or an adversary proceeding for:

☒ None or ☐ the *Claims Listed Below* mark one box only). The amount and interest rate of the claim will be set by Court order. Make sure to list the value of the collateral proposed to be paid through the Plan plus any interest as determined by the Court in Section 4.6.3 above, as appropriate. A proof of claim must be filed before the Trustee makes payments. Any undersecured portion of such claim shall be treated as unsecured.

Lienholder

Collateral

**Under 11 U.S.C. § 522(f) the Debtor may avoid a lien to the extent it impairs an exemption if the lien is a judicial lien or a nonpossessory, non-purchase money security interest in certain property.*

5.5 Claims Excluded from 11 U.S.C. § 506.**

The Debtor will pay through the Plan the following claims excluded from 11 U.S.C. § 506** in full plus any interest for:

☒ None.

6. APPLICATION OF PAYMENTS ON ACCOUNT OF SECURED CLAIMS.

Payments made by the Chapter 13 Trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears, so that upon completion of all payments under the Plan, the loan will be deemed current through the petition date.

7. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Any unexpired lease with respect to personal property that has not previously been assumed during the case, and is not assumed in the Plan, is deemed rejected and the stay of 11 U.S.C §§ 362 and 1301 is automatically terminated with respect to such property. The following executory contracts and/or unexpired leases are assumed or rejected for:

☒ None.

8. REVESTING PROPERTY OF THE ESTATE

Title to the Debtor's property shall revert in the Debtor when the Debtor is granted a discharge pursuant to 11 U.S.C. §

1328; or, if the Debtor cannot receive a discharge as provided in 11 U.S.C. § 1328(f), upon the notice of Plan completion; or upon dismissal of the case.

9. **NON-STANDARD PROVISIONS.**

Any non-standard provision placed elsewhere in the Plan is void. Any and all non- standard provisions are: ☒ *None* or ☐ *Listed Below* (mark one box only).

The Debtor disputes the arrearage claim asserted by Selene Finance. The Debtor and Selene are attempting to resolve the arrearage claim through loss mitigation. The Debtor will file an objection to Selene Finance's proof of claim on or before December 31, 2020 if loss mitigation is not fruitful.

Non-Standard Plan Provisions

10. **SIGNATURES.**

The Debtor's signature below certifies that the Plan provisions above are all the terms proposed by the Debtor, and the Debtor has read all the terms and understands them. The signature below of the Debtor and Debtor's Counsel, if any, also certifies that the Plan contains no non-standard provision other than those set out in Section 9 above.

Date: 07/09/2020

/s/ Lesley Keeney
Debtor

Morgan Fisher
Attorney for Debtor

Joint Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

| | | |
|-----------------------|---|-------------------|
| In re: | : | |
| | : | |
| Lesley Jeneen Keeney, | : | Case No. 19-10204 |
| | : | Chapter 13 |
| Debtor. | : | |
| | : | |

CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN

Select Section 1, A, B, or C, and complete Sections 2 and 3 if applicable, even if Section 1(A) is selected.

1. (Select A, B, or C):

☐ A. This is an original plan, filed concurrently with the Petition, which will be mailed by the Clerk to all creditors on the Matrix. *[THIS OPTION MAY ONLY BE USED WHEN THE PLAN IS FILED WITH THE PETITION]*

☐ B. AMENDED PLANS ONLY INCREASING PAYMENTS: The Amended Chapter 13 Plan ___ filed herewith / ___ filed on ____, 20__, makes no changes from the last previously-filed plan other than to increase the amount payable under the plan. In such event, no service is required.

☒ C. ~~THE~~ PLANS: This is to certify that on 07/16/2020, I caused the Chapter 13 Plan ☒ filed herewith / ___ filed on ____, 20__, to be mailed by first class mail, postage prepaid, to all addresses on the attached matrix or list. (If any parties on the matrix were served by CM/ECF instead of by mail, so indicate on the matrix with the email address served as indicated on the CM/ECF Notice of Electronic Filing).

AND

2. *Check and complete this Section and Section 3 if liens are proposed to be valued or avoided through the Plan.*

___ I caused the Chapter 13 Plan ___ filed herewith / ___ filed on ____, 20__, to be served pursuant to Bankruptcy Rule 7004 on the following creditor whose lien is proposed to be impacted by the Plan (and not by separate motion) under Plan Paragraph 5.1 or 5.3. State address served and method of service. See Bankruptcy Rule 7004(h) if the party served is an insured depository institution. Attach separate sheets or repeat this paragraph for each such creditor served.

Name of Creditor

Name served

Capacity (Resident Agent, Officer, etc.)

Address

City, State, ZIP

Method of Service: _____

Date Served: _____

AND Select A or B:

A. ____ A proof of claim has been filed with respect to the lien or claim at issue prior to service of the Plan. I also mailed a copy of the Plan and supporting documents under Section 3 below to the claimant at the name and address where notices should be sent as shown on the proof of claim.

B. ____ No proof of claim has been filed for the lien or claim at issue.

3. ____ Along with each copy of the Plan served under Section 2, I included copies of documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 with respect to that creditor (for example, documents establishing the value of the property and the amount of any prior liens and the lien at issue), which I have also filed with the Court as a supplement to the Plan. ***This supplemental material need not be served with the plan on all creditors, only on affected secured creditors.***

____ This is an amended Plan and the documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 has been previously served and filed as ECF docket entry ____.

I hereby certify that the foregoing is true and correct.

Dated: 07/16/2020

/s/ Morgan W. Fisher
Debtor, Counsel for Debtor, or other
Person effecting service

Label Matrix for local noticing
0416-1
Case 19-10204
District of Maryland
Baltimore
Wed Jul 31 22:35:56 EDT 2019

Baltimore
Baltimore Division
101 West Lombard Street, Ste. 8530
Baltimore, MD 21201-2605

American Medical Collections
4 Westchester Plaza
Elmsford, NY 10523-1615

Capital Accounts
PO Box 140065
Nashville, TN 37214-0065

Comcast
1701 JFK Blvd.
Philadelphia, PA 19103-2899

Comptroller of the Treasury
Compliance Division, Room 409
301 W. Preston Street
Baltimore, MD 21201-2305

Credit Management Company
PO Box 16346
Pittsburgh, PA 15242-0346

Hagerstown Heart
1733 Howell Road
Hagerstown, MD 21740-6638

IRS
Centralized Insolvency Operation
Post Office Box 7346
Philadelphia, PA 19101-7346

MTGLQ INVESTORS, L.P.
C/O Selene Finance, L.P.
9990 Richmond Ave, Suite 400 South
Houston, TX 77042-4546

MTGLQ INVESTORS, L.P.
RAS Crane, LLC
10700 Abbotts Bridge Road, Suite 170
Duluth, GA 30097-8461

AC & T Co Inc
4328 Montgomery Ave
Bethesda, MD 20814-4402

Ashley Funding Services, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Charlie Pentz Auto Sales
7485 Anthony Hwy
Waynesboro, PA 17268-8913

Commonwealth Finance
245 Main St.
Scranton, PA 18519-1641

Credit Collections Services
725 Canton St
Norwood, MA 02062-2679

FEDERAL PACIFIC CREDIT CO
P.O. BOX 27198
SALT LAKE CITY, UT 84127-0198

Herbert Thaler
201 N. Charles St.
Suite 2302
Baltimore, MD 21201-4197

Labcorp
531 South Spring Street
Burlington, NC 27215-5866

Michael Anderson DDS
c/o Robinson & Robinson
152 West Washington Street
Hagerstown, MD 21740-4710

Orion
Valerie Smith
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Adam Wilk
10615 Judicial Drive, #303
Fairfax, VA 22030-7500

Bay Area Receivables
714 Eastern Shore Dr.
Salisbury, MD 21804-5953

Chase Card
PO Box 15298
Wilmington, DE 19850-5298

Comptroller of Maryland
110 Carroll St
Annapolis, MD 21411-0001

Credit Collections/USA
16 Distributors Dr.
STE 1
Morgantown, WV 26501-7209

Frederick Memorial Health
400 W 7th St, F
Frederick, MD 21701-4593

Hofmeister, Breza & Leavers
11019 McCormick Road
Suite 400
Hunt Valley, MD 21031-1407

MERITUS MEDICAL CENETER
P.O. BOX 9156
Alexandria, VA 22304-0156

Middletown Valley Dentistry
807 E Main St,
Middletown, MD 21769-7722

OCEAN CITY MD LLC
11551 COASTAL HWY ST 4
Ocean City, MD 21842

Online Information Services
PO Box 1489
Winterville, NC 28590-1489

PENINSULA REGIONAL MEDICAL CENTER
100 E CARROLL STREET
Salisbury, MD 21801-5493

Peninsula Cardiology
400 Eastern Shore Dr
Salisbury, MD 21804-5513

Pinnacle Credit Services, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Queen Anne's County Finance Office
Attn: Real Estate Tax Department
107 N. Liberty Street
Centreville, MD 21617-1048

Radiology Associates of Frederick
400 W 7th St
Frederick Memorial Hospital
Frederick, MD 21701-4593

Robert Smith
6500 Seven Locks Road
Unit 210
Cabin John, MD 20818-1300

SW Credit Systems LP
4120 International Pdwy
STE 1100
Carrollton, TX 75007-1958

Selene Finance
9990 Richmond Ave
Suite 400 South
Houston, TX 77042-4546

State of Maryland DLLR
Division of Unemployment Insurance
1100 N. Eutaw Street, Room 401
Baltimore, MD 21201-2225

Trident Assets Management
53 Perimeter Center East
Suite 440
Atlanta, GA 30346-2230

Trojan Professional Services
PO Box 1270
Los Alamitos, CA 90720-1270

US Department of Education
PO BOX 16448
St. Paul, MN 55116-0448

US Dept. of Education
PO Box 5609
Greenville, TX 75403-5609

Valley Veterinary Hospital
4315 Old National Pike
Middletown, MD 21769-7700

Lesley Jeneen Keeney
2406 Love Point Rd
Stevensville, MD 21666-2056

Morgan William Fisher
Law Offices of Morgan Fisher LLC
1125 West St., Suite 227
Annapolis, MD 21401-3607

Robert S. Thomas II
300 E Joppa Road, Suite 409
Towson, MD 21286-3005

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.